

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Allison Bennett, et al.
Application No. : 09/684,866
Filed : October 6, 2000
Title : Apparatus, Systems and Methods For Online, Multi-Carrier, Multi-Service Parcel Shipping Management
Grp./Div. : 3629
Examiner : Plucinski, Jamisue A
Docket No. : PSTM0038/MRK

RESPONSE TO SECTION 1.105 REQUIREMENT

Mail Stop Amendment (Filed Electronically)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA 91101-4710
May 28, 2009

Commissioner:

The Office Action, dated March 31, 2009, regarding the above-identified application, set a time period of two months, namely, until May 31, 2009, in which to provide under 37 CFR §1.105, certain information regarding a reference cited by Applicants, namely, WO 99/33016. The Office Action also requested a list of keywords relating to what the Office Action terms "cross purchase."

It is respectfully submitted that this Response is timely filed within the two-month time period set by the Office Action in which to respond to the Section 1.105 Requirement, because it is filed before the expiration of May 31, 2009.

In the same Office Action, the Claims were rejected under Section 112. An Amendment and Response to the rejections is concurrently filed herewith.

Further examination of the application in view of the Response below is respectfully requested.

Response and Remarks begin on page 2 of this paper.

RESPONSE AND REMARKS

37 CFR SECTION 1.105 REQUIREMENTS RESPONSE

The Office Action requested, under 37 CFR §1.105, certain information regarding a reference cited by Applicants, namely, WO 99/33016. The Office Action also requested a list of keywords relating to what the Office Action terms “cross purchase.”

• WO 99/33016 Reference

In response to the requirement in the Office Action under 37 CFR §1.105, to provide certain information regarding the WO 99/33016 reference, Applicants respond as follows.

As mentioned in the Information Disclosure Statement Transmittal Letter associated with the disclosure of the WO 99/33016 reference, that reference was cited in an Office Action issued by a foreign patent office for a co-pending foreign patent application that corresponds to a co-pending U.S. patent application that has been or will be commonly assigned to the assignees of the above-referenced U.S. patent application. A copy of the aforementioned foreign Office Action is enclosed with a further Supplemental Information Disclosure Statement concurrently filed herewith.

In addition to the aforementioned, previously given reason for relevance of the WO 99/33016 reference, and further to the requirement in the Office Action under 37 CFR 1.105, to provide certain information regarding the WO 99/33016 reference, Applicants further respond as follows.

The WO 99/33016 reference mentions shipping, such as shipping orders, products, etc. and mentions carriers, in numerous places, including, for example, pgs. 8 (¶1), 10(¶2), 11(¶1), 28(¶3), 29(¶6), 30(¶1), 32(¶1), 36(¶3), 49(¶3), 50(¶5), 51(¶6), 53(¶¶2, 3), 56(¶¶4-5), 57(¶¶1-3), 58(¶¶1, 6), 59(¶1), 62(¶5), 64(¶5), 65(¶1), 68(¶1), 73(¶2), 88(¶¶3-4), 98(¶4), 114(¶2), 115(¶6) FIG. 2B, FIG. 28A, FIG. 34, FIG. 35A, FIG. 44, FIG. 45B, FIG. 59, and FIG. 60A.

The WO 99/33016 reference mentions on p. 109 (third column, fourth row) “[o]ne update by one user using one business method simultaneously and instantaneously ‘posts’ that update across all users and all business methods.” See also, e.g., WO 99/33016, Claim 1 (and its dependent Claims), and Claim 8 (and its dependent Claims).

• **Keywords**

Regarding the Office Action’s request for keywords, Applicants respond with information that, under 37 CFR §1.105 is readily available to Applicants, as follows:

The Office Action requests “... keywords that are particularly helpful in locating publications related to the disclosed art of cross purchase.” Office Action, Topic No. 4, p. 3.

It is respectfully submitted that the pending Claims of the present application do not recite the terms “cross purchase.” Further, it is respectfully submitted that Applicants do not understand the Office Action’s terms “cross purchase” as relating to the pending Claims of the present application. In particular, it is respectfully asserted that the terms “cross purchase” imply two parties, each purchasing from each other. It is respectfully submitted that the pending Claims of the present application are not directed to two parties, each purchasing from each other. With the aforementioned discrepancy between the term “cross purchase” used by the Office Action in making the Section 1.105 request, and the limitations recited by the pending Claims, it is respectfully submitted that a list of “... keywords that are particularly helpful in locating publications related to the ... art of cross purchase” is therefore not readily available to Applicants.

Even though a list of “... keywords ... related to the ... art of cross purchase” is not readily available to Applicants, Applicants provide below in good faith, an exemplary list of exemplary, generalized keywords that may be useful in identifying references of interest relevant to the subject matter of the pending Claims. As a preface to the exemplary list presented below, it is respectfully

submitted that the art of searching employs fairly generalized keywords to assist in identifying a pool of documents for analysis with respect to concepts that may be related to claimed subject matter, and/or for identification of further words that may be useful in identifying a further pool of documents. Applicants provide the following exemplary, generalized keywords that may be useful in identifying exemplary references of interest relevant to the subject matter of the pending Claims, if searched, for example, in some combination:

- buyer(s), customer(s), buying user(s), recipient(s), shipper(s)
- seller(s), merchant(s), vendor(s)
- carrier(s), ship[ping/ment service] providers, delivery, parcel delivery, package delivery, multi-carrier [shipping]
- mail[ing], post[al], frank[ing], post[age] meter[ing]
- ship[ping], ship[ment], ship[ping/ment information, mail[ing], m
- middleman, middle man, information middle[man], eCommerce, eCommerce provider(s), E/e-provider(s), electronic commerce, shipping portal(s), shipping hub(s)
- postal/franking/shipping/carrier/delivery service rate comparison(s), comparing postal/franking/shipping/carrier/delivery service rates
- carrier rates, postal rates, ship[ping/ment] rates

In addition to the above-mentioned, exemplary, generalized keywords, Applicants further provide in good faith, the following exemplary, entity/product keywords that may be useful in identifying exemplary references of interest:

- Clippership
- Kewill
- Aristo
- TanData
- Transcape
- Pitney Bowes
- Neopost
- United Parcel Service/UPS

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- Federal Express/FedEx
- Shipitsmarter
- Akiopia
- Smartship/SmartShip
- Goship
- From2
- Freightmart
- Ascom Hasler
- Pi Electronics
- U-Ship
- Anythingovernight
- Shiplet
- Kara Technology
- iShip
- Vellub
- Stamps.com

It is respectfully asserted that the information provided above is a full response to the Section 1.105 Requirement. Further examination of the

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application is therefore respectfully requested.

Respectfully submitted,
KHORSANDI PATENT LAW
GROUP, A LAW CORPORATION

May 28, 2009
Date

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